

ROOM NO.

BUILDING

REMARKS:

ADDA

06 DEC 1989

Registry file

OCA has action with input from
PAO and OGC.

cc: D/OIT, D/OP & D/OS

Done 12/4/89

STAT

FROM:

ROOM NO.

BUILDING

EXTENSION

EXECUTIVE SECRETARIAT

ROUTING SLIP

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	D/ICS				
4	DDA		X		
5	DDI				
6	DDO				
7	DDP&C		X		
8	DDS&T				
9	IG				
10	COMPT				
11	D/OCA	X			
12	GC		X		
13	Chm/NIC				
14	D/PAO		X		
15	COUNSEL/DCI				
16					
17					
18					
19					
20					
21					
22					
		SUSPENSE <u>8 Dec 89</u> Date			

Remarks D/OCA will respond with input from PAO and OGC.

ER 89-4866


Executive Secretary
1 DEC 89

Date

2627 (10-81)

MAJORITY MEMBERS

JOHN CONYERS, JR., MICHIGAN, CHAIRMAN

CARDISS COLLINS, ILLINOIS

GLENN ENGLISH, OKLAHOMA

HENRY A. WAXMAN, CALIFORNIA

TED WEISS, NEW YORK

MIKE SYNAR, OKLAHOMA

STEPHEN L. NEAL, NORTH CAROLINA

DOUG BARNARD, JR., GEORGIA

BARNEY FRANK, MASSACHUSETTS

TOM LANTOS, CALIFORNIA

ROBERT E. WISE, JR., WEST VIRGINIA

BARBARA BOXER, CALIFORNIA

MAJOR R. OWENS, NEW YORK

EDOLPHUS TOWNS, NEW YORK

JOHN M. SPRATT, JR., SOUTH CAROLINA

JOE KOLTER, PENNSYLVANIA

BEN ERDREICH, ALABAMA

GERALD D. KLECZKA, WISCONSIN

ALBERT G. BUSTAMANTE, TEXAS

MATTHEW G. MARTINEZ, CALIFORNIA

NANCY PELOSI, CALIFORNIA

DONALD M. PAYNE, NEW JERSEY

JIM BATES, CALIFORNIA

ONE HUNDRED FIRST CONGRESS 89-4866

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT OPERATIONS

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515

MINORITY MEMBERS

FRANK HORTON, NEW YORK

WILLIAM F. CLINGER, JR., PENNSYLVANIA

AL McCANDLESS, CALIFORNIA

HOWARD C. NIELSON, UTAH

DONALD E. "BUZ" LUKENS, OHIO

J. DENNIS HASTERT, ILLINOIS

JOHN L. KYL, ARIZONA

CHRISTOPHER SHAYS, CONNECTICUT

PETER SMITH, VERMONT

STEVEN SCHIFF, NEW MEXICO

CHUCK DOUGLAS, NEW HAMPSHIRE

LARKIN SMITH, MISSISSIPPI

CHRISTOPHER COX, CALIFORNIA

DAIG THOMAS, WYOMING

MAJORITY—225-5051

FAX—225-4784

MINORITY—225-5074

FAX—225-3974

November 29, 1989

Honorable William H. Webster
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Judge Webster:

In order for the Government Operations Committee to carry out its oversight responsibilities, would you please provide me with answers to the following questions regarding your office's compliance with Section 618 of H.R. 2989, which places restrictions on the content of federal employee nondisclosure agreements. The bill was signed by the President on November 3, 1989, Public Law No. 101-136.

1. Have you notified agencies to discontinue use of Standard Form 4355?
2. What actions have you taken to ensure that agencies comply with the ban on use of Standard Form 4355?
3. Have you begun to develop a new standard form to be used in place of Standard Form 4355?
4. Do you plan to make a draft of a revised form available to Members of Congress and the public for comment before making final decisions on the content of that form?
5. In recognition of Congress' concern that a duty to inquire about the status of unmarked or unclassified information whenever any employee has doubt about the status of information may:

(a) chill legitimate disclosures;

DD/A REGISTRY
FILE: SEC-29-HR

Honorable William H. Webster

November 29, 1989

Page 2

(b) may force potential whistleblowers to identify themselves to their superiors in contravention of whistleblower protection statutes; and

(c) has no basis in Executive Order 12356.

Do you plan to eliminate this language from Standard Form 4355?

6. During the last five years, how many disclosures of unmarked classified information or unmarked information in the process of receiving a classification determination have been reported to you? As to each such situation, describe what information the disclosing employee had about the classified status of the information?
7. Do you agree that the current forms and any replacement forms do not supersede Executive Order 12356? If there are any differences in an employee's liability for disclosures of information under the forms and Executive Order 12356, explain what they are.
8. What specific changes do you plan to make to Standard Form 4355?
9. Given that federal agencies make the espionage statutes and Executive Order 12356 available to employees when they sign or have questions about Standard Form 4355, would you agree to make whistleblower protection statutes available to employees as a routine matter as well?
10. How many prepublication review submissions did the CIA receive in 1988 and 1989? How many were works of fiction?
11. As to each submission, how long it takes the agency to complete prepublication review of each submission?

Honorable William H. Webster
November 29, 1989
Page 3

12. How many submissions did the CIA receive from individuals who ceased their government employment more than 10 years ago? More than 5 years ago? Of these, how many reductions were there for currently classified information? At what level was the information classified? How much information was declassified during the course of the review?
13. Does the CIA or DCI have regulations governing prepublication review and if so, how are they made available to employees, contractors and the public?
14. Does the DCI review other agencies' regulations for carrying out prepublication reviews under nondisclosure forms approved by the DCI? If so, what guidelines do you apply to such regulations? Please submit copies of these regulations.

I would appreciate your prompt attention to this matter, and would request a response within 5 working days. If that is not feasible, or if there is any aspect of this request which needs further communications, please direct questions and correspondence to Special Counsel Frank Askin at the Subcommittee on Legislation and National Security, 225-5157.

Sincerely,



John Conyers, Jr.
Chairman